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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 ANDREW U.D. STRAW,

9 Plaintiff,

10 v.

11 AVVO, INC.,

12 Defendant.

CASE NO. C20-294 JLR

ORDER DENYING RECONSIDERATION

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14 This matter is before the Court on Plaintiff's Motion to Reconsider. Dkt. #62. Plaintiff
15 requests that the Undersigned reconsider his prior order affirming United States District Judge
16 James L. Robart's refusal to voluntarily recuse himself from Plaintiff's case. Dkt. #61. For the
17 reasons that follow, the Court denies the motion.

18 "Motions for reconsideration are disfavored. The court will ordinarily deny such motions
19 in the absence of a showing of manifest error in the prior ruling or a showing of new facts or
20 legal authority which could not have been brought to its attention earlier with reasonable
21 diligence." LOCAL RULES W.D. WASH. LCR 7(h)(1). Plaintiff's motion fails to satisfy either
22 standard and the Court accordingly denies the request for reconsideration.

23 The Court has already twice rejected Plaintiff's request that Judge Robart no longer
24 preside over his case. Judge Robart first declined to voluntarily recuse himself because Plaintiff's

1 request was contrary to prior precedent within this District and wholly lacked a factual basis. *See*
2 *generally* Dkt. #60. The Undersigned then affirmed Judge Robart’s decision and noted that
3 Plaintiff’s request failed to provide any factual basis for recusal as it was premised only on
4 speculation. *See generally* Dkt. #61. Plaintiff now returns with further speculative allegations
5 and the Court again rejects Plaintiff’s arguments.

6 Plaintiff first points to lies and misrepresentations in this action by Defendant,
7 presumably only ferreted out by Plaintiff recently. *See generally* Dkt. #62 at ¶¶ 3–5. But
8 Plaintiff’s factual allegations do not demonstrate a basis for judicial disqualification and instead
9 represent Plaintiff’s attempt to reargue the merits of his case. But “[m]otions for reconsideration
10 are not a vehicle for a litigant to attempt a second bite at the apple by raising facts or arguments”
11 previously available. *Karpenski v. Am. Gen. Life Companies, LLC*, 999 F. Supp. 2d 1235, 1239
12 (W.D. Wash. 2014) (citations omitted). Further warranting rejection, Plaintiff provides no
13 explanation why he could not have raised these allegations earlier.

14 Plaintiff’s inherent argument that these new facts demonstrate error and bias in the
15 Court’s rulings similarly fails. Plaintiff makes clear that he disagrees with the Court’s prior
16 orders, which are now the subject of Plaintiff’s pending appeal before the United States Court of
17 Appeals for the Ninth Circuit. *See generally* Dkt. #62. But the Court’s “prior adverse ruling is
18 not sufficient cause for recusal.” *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986);
19 *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966) (to warrant recusal, “[t]he alleged bias
20 and prejudice . . . must stem from an extrajudicial source”) (citing *Berger v. United States*, 255
21 U.S. 22, 31 (1921)).

22 Lastly, the Court rejects Plaintiff’s speculative vision of a vast Republican crusade against
23 him. Plaintiff’s alleged conspiracy springs from the underlying facts of this case and Plaintiff’s
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1 other legal proceedings,¹ swells to include Defendant's counsel,² and finally engulfs the Court,
2 corrupting the Court's rulings with biased "Republican partisanship."³ After all, "[t]he trial judge
3 is a Republican [and the] Chief Judge [] is a Republican, both appointed by President Bush, a
4 Republican." Dkt. #62 at ¶ 5. Put simply, Plaintiff's baseless speculation does not serve as any
5 more of a basis for reconsideration than it served as a basis for judicial disqualification.⁴

6 Accordingly, having considered Plaintiff's motion and the remainder of the record, and
7 for the reasons set forth above, the Court finds and ORDERS that Plaintiff's Motion to
8 Reconsider (Dkt. #62) is DENIED.

9 DATED this 29th day of April, 2021.

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12 RICARDO S. MARTINEZ
13 CHIEF UNITED STATES DISTRICT JUDGE

14 ¹ Dkt. #62 at ¶ 9 (alleged "sanctions" posted on Defendant's website arose from an Indiana "court
15 that is 100% Republican" and the Seventh Circuit afforded Plaintiff no relief because it's "80%
16 Republican").

17 ² *Id.* at ¶ 7 (Davis Wright Tremaine "includes a bevy of Republican lawyers who have represented
18 the Republican Party" in state and federal actions).

19 ³ *Id.* at ¶ 10.

20 ⁴ Plaintiff's baseless speculation is regrettable in light of his legal training. Plaintiff should know
21 that "[a] lawyer's representation of a client, including representation by appointment, does not
22 constitute an endorsement of the client's political, economic, social or moral views or activities."
23 MODEL RULES OF PRO. CONDUCT r. 1.2(b) (AM. BAR ASS'N, 2020). Nor is it appropriate,
24 especially in the current social and political climate, to insinuate that a federal judge's legal
rulings are in any manner beholden to the political leanings of the President that nominated the
judge for consideration by the United States Senate. As forcefully stated by Chief Justice John
Robert's in his widely reported defense of the judiciary, "[w]e do not have Obama judges or
Trump judges, Bush judges or Clinton judges. What we have is an extraordinary group of
dedicated judges doing their level best to do equal right to those appearing before them." Mark
Sherman, *Roberts, Trump Spar in Extraordinary Scrap Over Judges*, ASSOCIATED PRESS, Nov.
21, 2018, <https://apnews.com/c4b34f9639e141069c08cf1e3deb6b84>.